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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,034	12/29/2005	Yongge Hu	P22105/1020P22105	6054
57035 7590 07/11/2011 KACVINSKY DAISAK PLLC C/O CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER SADIO, INSA	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 07/11/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sbartl@kdfirm.com
agilbert@kdfirm.com

Office Action Summary	Application No. 10/563,034	Applicant(s) HU ET AL.	
	Examiner INSA SADIO	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,11-18 and 24-26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment to claim 1 filed on 04/25/2011 have been entered and considered by Examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claim 1** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

As of claim 1, the Specification as first filed does not provide support for the recitation of claim 1 " wherein the *host device is operative to check for alignment errors among the framed acoustic data based on alignment information...*"

Furthermore, the specification as originally filed does not teach one ordinary skill in the art how to make or use applicant's claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 6, and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anantharamu et al. (US Publication Number 2002/0136298), hereinafter referenced as Anantharamu, in view of Anderson et al. (US Publication Number 2005/0271072), hereinafter referenced as Anderson.

As of claim 1, Anantharamu discloses a system and method for adaptive streaming of predictive coded video data. Further, Anantharamu teaches wherein said a method comprising: receiving a stream of raw acoustic data at a client device (see [0007]-[0011]); framing the stream of raw acoustic data at particular intervals with alignment information to create framed acoustic data (see [0007]-[0011]); buffering the framed acoustic data (see [0007]-[0011]).

Anantharamu does not teach wherein said waiting for a data request from a host device; and providing the framed acoustic data from the client device to the host device in response to the data request.

However, Anderson teaches wherein said waiting for a data request from a host device (see [0182], [0183]); and providing the framed acoustic data from the client device to the host device in response to the data request (see [0182], [0183]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anantharamu's adaptive streaming with the teaching of Anderson's host to client data request to exchange data, because this will provide the host the data needed.

As of claim 2, Anantharamu as modified by Anderson teaches the limitations of claim 1 above. Further, Anantharamu teaches wherein said

receiving the stream of raw acoustic data comprises: receiving pulse code modulation (PCM) data samples from a plurality of synchronously interleaved channels each corresponding to a different sensor in a sensor array (see [0003], [0004], [0006], [0007]).

As of claim 3, Anantharamu as modified by Anderson teaches the limitations of claim 1 above. Further, Anderson teaches wherein said wherein framing the stream of raw acoustic data comprises: counting a particular number of data samples in the stream of raw acoustic data (see [0255]); identifying a time slot between two samples after the particular number of data samples (see [0256]); inserting a frame boundary identifier and a frame sequence number in the time slot (see [0243]); and repeating the counting, identifying, and inserting (see [0256], [0243]).

As of claim 6, Anantharamu as modified by Anderson teaches the limitations of claim 1 above. Further, Anderson teaches wherein said further comprising: sending the data request to the client device (see [0257], [0258], [0279]); receiving the framed acoustic data from the client device (see [0257], [0258], [0279]); and checking for alignment errors among the framed acoustic data based on the alignment information (see [0257], [0258], [0279]).

As of claim 7, Anantharamu as modified by Anderson teaches the limitations of claim 6 above. Further, Anderson teaches wherein said checking for alignment errors comprises: setting a current pointer to a current data sample among the framed acoustic data

received from the client device (see [0243], [0255], [0256]);
comparing the current data sample to a particular data pattern (see [0243], [0255], [0256]); and if the current data sample does not match the particular data pattern, incrementing the current pointer and returning to comparing the current data sample (see [0243], [0255], [0256]).

Allowable Subject Matter

4. **Claim 8** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior arts do not teach the claimed invention "comparing the current data sample to a particular data pattern; and if the current data sample does not match the particular data pattern, incrementing the current pointer and returning to comparing the current data sample."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 9 and 10 are objected to since they depend on claim 8.

Claims 19-23 are allowed.

The following is an examiner's statement of reasons for allowance: prior arts do not teach the claimed invention "receiving the framed acoustic data from the client device;

and checking for alignment errors among the framed acoustic data based on the alignment information.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.

Response to Arguments

5. Applicant's arguments filed 04/25/2011 have been fully considered but they are not persuasive.

The Specification as first filed does not provide support for the recitation of claim 1 " wherein the *host device is operative to check for alignment errors among the framed acoustic data based on alignment information* ...”

Furthermore, the specification as originally filed does not teach one ordinary skill in the art how to make or use applicant's claimed invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to INSA SADIO whose telephone number is (571)270-5580. The examiner can normally be reached on MONDAY through FRIDAY 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LunYi Lao can be reached on 571-272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

INSA SADIO
Examiner
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/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629